

09/836,119

REMARKS

Applicants wish to thank the Examiner for the attention accorded to the instant application. Claims 1, 5, 17, 20 and 35 have been amended; claims 2-4, 18-19, 32-34, 38 and 40 have been canceled. Claims 44-47 have been added. Claims 17 and 35 have been amended from dependent claims to independent claims; however, there remains 3 independent claims. Further, the addition of 4 new claims does not introduce claim fees, as 10 claims have been canceled.

Regarding the rejections of claims 10 and 11 under 35 U.S.C. . §112, second paragraph, claim 1 as amended recites "a hydroxide conducting medium", providing antecedent basis for the limitation in claims 10 and 11. Claim 17 has been amended to recite "membrane" rather than electrolyte. Claims 25-26 have been amended to recite "medium" rather than electrolyte.

Further, in light of the present amendments, it is respectfully requested that the rejections based on 35 U.S.C. §102(b) be withdrawn with respect to the pending claims.

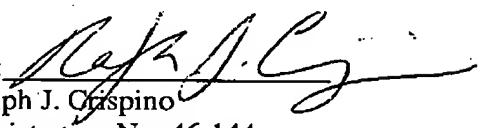
First, regarding the rejections based on Struthers U.S. Patent 4,352,864 (claims 1-3, 17, 18 and 35 under 35 U.S.C. §102(b)), Hashizake JP 6-267554 (claims 1-3, 17 and 18 under 35 U.S.C. §102(b)), and Sterzel U.S. Patent 4,828,941 (claims 1-3, 17, 18, 35, 37-39, 42 and 43 under 35 U.S.C. §102(b) and claims 4-8, 11-14, 19-23, 26-29, 32-34, 40 and 41 under 35 U.S.C. §103(a)), it is respectfully submitted that these reference relate to fuel cells rather than electrochemical cells for separating gasses. Accordingly, the corresponding claims as amended are not anticipated nor rendered obvious by these references.

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Finally, regarding the rejections of the claims based on Chen 6,358,651 and Yao 6,183,914, it is respectfully submitted that these applications (or related applications thereto) were incorporated by reference in the parent application to the present application, 09/373,469, now U.S. Patent No. 6,541,159. Accordingly, as these references are part of the original disclosure of August 12, 1999, the filing date of 09/373,469, the rejections based on Chen and Yao should be removed.

The amendments herein do not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

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